

TEMPORARY

NO. 70216T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JULY 10 2003

Returned to applicant for correction _____

Corrected application filed _____

Map filed AUG 7 2003 under 70213T

The applicant **Park Cattle Company**, hereby makes application for permission to change the **Point of Diversion of a portion of water** heretofore appropriated under **Claim 428** as issued in the **Carson River Decree** entitled "**United States of America, Plaintiff v. Alpine Land and Reservoir Company, a Corporation et al, Defendants,**" the same in **Equity Docket No. D-183** in the **United States District Court for the District of Nevada.**

1. The source of water is **East Fork of the Carson River**
2. The amount of water to be changed **44.5 irrigated acres**
3. The water to be used for **irrigation and stockwatering purposes, as decreed**
4. The water heretofore permitted for **irrigation and stockwatering purposes, as decreed**
5. The water is to be diverted at the following point **Upper New Virginia - from right bank near center NESE, Sec. 10, T.12N., R.20E., M.D.M.**
6. The existing permitted point of diversion is located within **Klauber or Cohn or Yori from right bank of Topping No. 1 Ditch about 230 feet below its diversion from Cottonwood Slough NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T.13N., R.20E., M.D.M., Douglas County, Nevada.**
7. Proposed place of use within the **NW $\frac{1}{4}$ NE $\frac{1}{4}$ (23.3 acres) and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (21.2 acres) both within Section 24, T.13N., R.19E., M.D.M., Douglas County, Nevada.**
8. Existing place of use within the **NW $\frac{1}{4}$ NE $\frac{1}{4}$ (23.3 acres) and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (21.2 acres) both within Section 24, T.13N., R.19E., M.D.M., Douglas County, Nevada**
9. Use will be from **as decreed to as decreed** of each year.
10. Use was permitted from **as decreed to as decreed** of each year.
11. Description of proposed works. **Existing in-stream diversion and earthen ditches**
12. Estimated cost of works **Complete**
13. Estimated time required to construct works **Complete**
14. Estimated time required to complete the application of water to beneficial use **One (1) year**

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15. Remarks: The purpose of this application is to replace the original point of diversion which, as a result of urbanization, now has severely restricted capacity. A temporary permit is necessary and justified to allow irrigation to occur this season; a permanent application will be submitted to allow permanent approval prior to the 2004 irrigation season. If a temporary permit is granted, the applicant will cooperate with the Federal Water Master in order to avoid litigation, during this irrigation season over the issue of whether this water right may be exercised when the 1/3-23 split under the Alpine Decree is in effect. This voluntary cooperation is intended to be without prejudice to any position the applicant or the Federal Water Master, might take if that issue must eventually be litigated.

R.O. ANDERSON ENGINEERING, INC.
 By Robert O. Anderson, P.E.
 s/Robert O. Anderson
 P.O. Box 2229
 Minden, Nevada 89423

Compared nsr/ cmf . dl/jk

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of a portion of Claim No. 428 of the Carson River as heretofore granted under the Final Carson River Decree No. D-183, in the District Court of the United States in and for the District of Nevada, is issued subject to the terms, conditions and irrigation period imposed in said Final decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The Federal Water Master retains the right to regulate the use of the water herein granted at any and all times.

The issuance of this temporary permit shall not prejudice any decision the State Engineer may make on any permanent transfer that may be subsequently filed.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire at the end of the irrigation season but in no event later than **December 31, 2003** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed the decreed duty of acre feet per acre for 44.5 acres irrigated from any and all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

TEMPORARY

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 8th day of August, A.D. 2003


State Engineer

EXPIRED

DATE DEC 31 2003 ^{OR}

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